

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
VOICE (562) 590-5071
FAX (562) 590-5084



Th12d

ADDENDUM

DATE: October 3, 2023

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM Th12d, CDP APPLICATION NO. A-5-LOB-23-0033
FOR THE COMMISSION MEETING ON OCTOBER 12, 2023.**

This addendum is designed to achieve the following: make minor corrections to the staff report dated 09/28/23 and update Exhibit 4 to include an additional item.

CORRECTIONS TO STAFF REPORT

The Commission staff report dated 09/28/23 is modified to make the following corrections and additions. Language to be added is shown in underlined text, and language to be deleted is identified by ~~strike through~~.

- a) Correct the list of appellants on page 1 as follows:

Sierra Club Los Cerritos Wetlands Task Force (attn: Ann Cantrell, and Anna Christensen ~~and Melinda Cotton~~), Brian Cochrane, Melinda Cotton, Julie Dean

- b) Correct the final sentence of the first complete paragraph on page 2 as follows:

~~Three~~ Four appeals of Local CDP No. 23-001 were received on August 14, 2023.

- c) Correct the first sentence of the fourth complete paragraph on page 4 as follows:

On August 14, 2023, appeals were filed by the Sierra Club Los Cerritos Wetlands Task Force (Attn: Ann Cantrell, and Anna Christensen ~~and Melinda Cotton~~), Brian Cochrane, Melinda Cotton and Julie Dean.

- d) Correct the second sentence of the first complete paragraph on page 5 as follows:

~~Three~~ Four appeals (Exhibit 4) of Local CDP No. 23-001 were received on August 14, 2023, within the 10 working-day appeal period, by the Sierra Club Los Cerritos

Wetlands Task Force (attn: Ann Cantrell, and Anna Christensen ~~and Melinda
Gotton~~), Brian Cochrane, Melinda Cotton and Julie Dean.

- e) Update Exhibit 4 to include pages 18 to 26 (attached to this addendum).

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CA 90802
(562) 590-5071
SOUTHCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: South Coast

Appeal Number: _____

Date Filed: _____

Appellant Name(s): _____

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the South Coast district office, the email address is SouthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: _____

Mailing address: _____

Phone number: _____

Email address: _____

How did you participate in the local CDP application and decision-making process?

Did not participate

Submitted comment

Testified at hearing

Other

Describe: _____

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: _____

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 3

2. Local CDP decision being appealed²

Local government name: _____

Local government approval body: _____

Local government CDP application number: _____

Local government CDP decision: CDP approval CDP denial³

Date of local government CDP decision: _____

Please identify the location and description of the development that was approved or denied by the local government.

Describe: _____

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision

Page 4

3. Applicant information

Applicant name(s):

Applicant Address:

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe:

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name _____

Signature

Date of Signature _____

7. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name _____

CDP Application or Appeal Number _____

Lead Representative

Name _____

Title _____

Street Address. _____

City _____

State, Zip _____

Email Address _____

Daytime Phone _____

Your Signature _____

Date of Signature _____

Additional Representatives (as necessary)

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature _____

Date of Signature _____

From: Melinda Cotton <mbcotton@hotmail.com>
Sent: Thursday, August 10, 2023 12:44 PM
To: SouthCoast@coastal.ca.gov; Lee, Vince@Coastal; Dani Ziff
Subject: Addendum to Appeal re LCDP 23-001 Belmont Brewing Company OPPOSE: LCDP Permit to Belmont Brewing Company for Permanent Outdoor Dining abutting 25 39th Pl. (July 20th Planning Commission Meeting)
Attachments: BBC at Coastal W17c-1-1997.pdf

Hello South Coast Staff, Vince Lee and Dani Ziff,

Attached is the letter I sent to the Long Beach Planning Commission concerning my opposition to a LCDP Permit for Belmont Brewing Company. Please consider this letter and information as part of my Appeal and reasons for the Coastal Commission to Deny the LCDP.

Thank you.

Melinda Cotton
Belmont Shore

From: Melinda Cotton <mbcotton@hotmail.com>
Sent: Sunday, July 16, 2023 12:27 PM
To: PlanningCommissioners@longbeach.gov <planningcommissioners@longbeach.gov>
Cc: Christopher Koontz <Christopher.Koontz@longbeach.gov>; Councilmember Kristina Duggan <district3@longbeach.gov>
Subject: OPPOSE: LCDP Permit to Belmont Brewing Company for Permanent Outdoor Dining abutting 25 39th Pl. (July 20th Planning Commission Meeting)

Long Beach Planning Commissioners:?????????????????Re: Appeal 23-055PL (July 20, 2023)

????????????????????????????????????

I urge the Planning Commission to support the CARP (Citizens About Responsible Planning) Appeal and turn down the application of Belmont Brewing Company [BBC] for additional outdoor dining!!. BBC has previously been granted significant portions of Belmont Plaza (more than 2,267 sq. ft. of prime Coastal property with great views), this despite the strong objections of Coastal Commission Staff in 1996 (See Attached Coastal Commission Staff Report). Enough is enough!

Belmont Brewing Company has been a bad actor in its previous dealings with the Coastal Commission, in that BBC prior to 1992 had without permission taken over and walled and glassed in 402 sq ft of Belmont Plaza located in the Commission's jurisdiction! After the fact it asked for and received Commission approval to retain that area. Then in 1995 BBC asked Coastal approval for an additional 635 sq. ft. expansion, which the Commission denied. However, In 1996 BBC came back to the Coastal Commission again asking for that 600 sq. ft. of the Plaza, which the Commission permitted, over Staff's strong Objections.

The Coastal Commission's Staff Report from November 1996 (attached) recommended denial of the proposal:

"Staff recommends denial of the proposed project because the proposed expansion of an enclosed commercial use into a popular public recreation area is not consistent with the Chapter 3 policies of the Coastal Act or the certified LCP. The recommendation to deny is consistent with the Commission's 1992 and 1995 actions in which it found that the remaining publicly owned area within Belmont Pier Plaza should be preserved for public use and that the BBC should not encroach any further into it. In 1992 and 1995 the Commission also found that

any intensification of the BBC should be accompanied with the provision of additional parking. No parking is proposed. A denial will also protect a popular public viewpoint in Belmont Pier Plaza from the proposed encroachment."

The 1996 Coastal Commission Staff Report continued:

"Only BBC customers are permitted to use the enclosed dining area." "...because there is no on-site parking for the BBC, patrons who drive to the establishment must find parking on the streets or in nearby public beach parking lots. There are very few available on-street parking spaces in the vicinity of the BBC."

"...during the day, and especially on summer weekend days when the peak beach use hours and restaurant peak use hours coincide, BBC patrons must compete for available parking spaces in the public lot with patrons of other nearby establishments, fishermen, roller-skaters, and beach users. During summer weekend days there is a parking shortage in the area because of heavy recreational use and because most of the commercial businesses in the area do not have on-site parking. Competition for parking in this area is fierce during these times. "

In the 25 years since the Staff Report was written the Belmont Pier, Plaza and Beach have become an even greater draw for coastal visitors with a beach bicycle and pedestrian path stretching from downtown to the Peninsula, dozens of volleyball courts, Rosie's Dog Beach, kite surfing, etc. Climate Change and more hot weather days, also bring more inland visitors to the beach. Additional restaurants have opened, as well as ICONIX Gym - all without parking of their own.

It would be a great disservice to the area to allow BBC to again expand its permanent outdoor dining area, adding many additional patrons to this congested, parking impacted area.

Again, the 2267 sq.ft. of public beachfront property BBC already uses for outdoor dining is more than enough! I ask that Planning Commission Deny BBC's request to install additional "... permanent outdoor dining within the public right-of-way abutting 25 39th Pl."

Sincerely,
Melinda Cotton
40-year resident of Belmont Shore